

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY
LITIGATION**

THIS DOCUMENT RELATES TO:

All Cases Listed in Exhibit A

**Case No. 1:14-cv-1748
MDL No. 2545**

Hon. Matthew F. Kennelly

**DEFENDANTS AUXILIUM PHARMACEUTICALS, INC.;
PFIZER INC.; AND PHARMACIA & UPJOHN COMPANY, LLC'S
MOTION FOR ENTRY OF FINAL JUDGMENT AND PARTIAL FINAL JUDGMENT
PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 54(b) AND 58**

Pursuant to Rules 54(b) and 58 of the Federal Rules of Civil Procedure, Defendants Pfizer Inc., Pharmacia & Upjohn Company, LLC (the “Pfizer Defendants”), and Auxilium Pharmaceuticals, Inc. (“Auxilium”) (collectively, the “ANDA Defendants”) respectfully move for entry of final judgment and partial final judgment in connection with the Court’s November 9, 2015 Memorandum Opinion and Order (Dkt. No. 1051) dismissing all claims against the ANDA Defendants related to their testosterone replacement therapy medications, Depo-Testosterone and Testopel (“the ANDA TRT products”), which the Food and Drug Administration approved pursuant to abbreviated new drug applications (“ANDAs”). A complete list of the applicable individual complaints pending as of the date of this motion is attached hereto as Exhibit A.¹ This motion is supported by the contemporaneously filed memorandum of law.

¹ Exhibit A contains a list of all known complaints filed against the ANDA Defendants that: (1) involve plaintiffs who allege they took an ANDA TRT product, and (2) are pending in this MDL as of Friday, December 18, 2015. There may be some additional complaints of which the ANDA Defendants are not aware. Further, some of the complaints listed in Exhibit A have not been served; the cases in which at least one ANDA Defendant has not been served are identified

Date: December 22, 2015

Respectfully submitted,

/s/ Matthew A. Holian

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on Exhibit A with an asterisk next to the case number. The ANDA Defendants do not intend to waive any defense(s) they may have relating to service of process by filing this motion, but they have identified the unserved cases for the Court's convenience, as the same arguments would apply to those cases.

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2015, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ Matthew A. Holian